THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.29525 of 1995

Dated:04.04.2006

Between:
Guddeti Yarraiah, and others.

..... PETITIONER

AND

The Mandal Revenue Officer, Venkatapuram Mandal, Khammam District, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.29525 of 1995

ORDER:

The petitioners are residents of Bodapuram Village, Venkatapuram Mandal, Khammam District. They allegedly claim that they belong to Scheduled Caste community. They were granted ryotwari pattas under Section 7 of the Andhra Pradesh (Scheduled Areas Ryotwari Settlement) Regulation, 1970 (Regulation II of 1970, for brevity). They allege that though pattas were granted on 28.02.1987, the land was occupied by Adabala Rama Rao, Adabala Mohan Rao and Adabala Dorababu illegally. They gave a representation on 05.04.1995 requesting for restoration of possession, in vain. Therefore, they seek a writ of mandamus directing the respondents to restore possession to them in respect of the land in Survey Nos.5/5 and 13/4 in Case No.6930, dated 28.02.1987.

The Mandal Revenue Officer, Venkatapuram Mandal, Khammam District, has filed a counter affidavit. The fact that pattas were granted to the petitioners is admitted. It is further stated that after receiving the representation, dated 28.06.1995, from the petitioners for demarcation of the land, a Surveyor was deputed for fixation of the boundaries and that the Surveyor, after conducting the survey, demarcated the land. It is further stated that as the land is a private land, it is not competent for the respondents to restore the possession to the petitioners.

Heard the learned Counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General). A perusal of the provisions of Regulation II of 1970 would show that when once a ryotwari patta is granted to a person under Section 7 of Regulation II of 1970, he becomes the absolute owner, and the land ceases to be the Government land. Such being the case, if a person suffers from any legal injury like divesting of title or dispossession, the remedy of such person is to invoke the common law remedy by filing a suit before the

appropriate forum. If any direction is given to the respondents to restore the possession to the petitioners, it would be contrary to law. Therefore, liberty is given to the petitioners to file appropriate suit for possession. In this Writ Petition, no relief can be granted.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

04.04.2006
vs